

FILED: November 19, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1019
(7:14-cv-00180-BR)
(5:15-cv-00013-BR)

JOYCE MCKIVER; DELOIS LEWIS; DAPHNE MCKOY; ALEXANDRIA
MCKOY; ANTONIO KEVIN MCKOY; ARCHIE WRIGHT, JR.; TAMMY
LLOYD; DEBORAH JOHNSON; ETHEL DAVIS; PRISCILLA DUNHAM

Plaintiffs - Appellees

and

DENNIS MCKIVER, JR.; LAJUNE JESSUP; DON LLOYD, Administrator of
the Estate of Fred Lloyd; TERESA LLOYD; TANECHIA LLOYD; CARL
LEWIS; ANNETTE MCKIVER; KAREN MCKIVER; BRIONNA MCKIVER;
EDWARD OWENS; DAISY LLOYD; A. (DAUGHTER); A. (SON)

Plaintiffs

v.

MURPHY-BROWN, LLC, d/b/a Smithfield Hog Production Division

Defendant - Appellant

AMERICAN FARM BUREAU FEDERATION; NATIONAL PORK
PRODUCERS COUNCIL; NORTH CAROLINA FARM BUREAU
FEDERATION; NORTH CAROLINA PORK COUNCIL; NORTH AMERICAN

MEAT INSTITUTE; NATIONAL ASSOCIATION OF MANUFACTURERS;
GROCERY MANUFACTURERS ASSOCIATION; CHAMBER OF
COMMERCE OF THE UNITED STATES OF AMERICA; NATIONAL
TURKEY FEDERATION; NATIONAL CHICKEN COUNCIL; JOEY D.
CARTER; JOEY CARTER FARMS; WILLIAM R. KINLAW; KINLAW
FARMS, LLC; PAUL STANLEY; PAGLE CORP.; GREENWOOD
LIVESTOCK, LLC

Amici Supporting Appellant

LAW PROFESSORS WITH EXPERTISE IN TORT AND REGULATORY
LAW; AMERICAN ASSOCIATION FOR JUSTICE; NORTH CAROLINA
JUSTICE CENTER; HUMANE SOCIETY OF THE UNITED STATES;
PUBLIC JUSTICE, P.C.; FOOD & WATER WATCH; WATERKEEPER
ALLIANCE, INC.; NORTH CAROLINA ENVIRONMENTAL JUSTICE
NETWORK; RURAL EMPOWERMENT ASSOCIATION FOR COMMUNITY
HELP; DR. LAWRENCE CAHOON; ELIZABETH CHRISTENSON; DR.
BRETT DOHERTY; MIKE DOLAN FLISS; DR. JILL JOHNSTON; BOB
MARTIN; DR. SARAH RHODES; DR. ANA MARIA RULE; DR. SACOBY
WILSON; DR. COURTNEY WOODS

Amici Supporting Appellee

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed in part and vacated in part. This case is remanded to the district court for further proceedings consistent with the court's decision.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK